

NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

RULE REPEAL AND PROMULGATION: DMR Regulation 95.09 A3, Closed Area No. 54-K, Alley Bay and Pig Island Gut, Beals, promulgated on January 11, 1995, is repealed and replaced with the following rule:

TEXT OF RULE: DMR Regulation 95.09 A3, Closed Area No. 54-K, Eastern Alley Bay and Pig Island Gut, Beals.

1. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of Alley Bay and Pig Island Gut, Beals, inside of a line starting at the intersection of the so called Alley Bay Road and the Back Field Road (Charles Merchant wharf area) and running north-northwest (about 200 yards) to the most northwestern point on Great Wass Island (so called Hixey Head); then running northeasterly to the southernmost point on Sawyer Island; then running east southeasterly to the most northeastern tip of Great Wass Island.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. 6204).

EFFECTIVE DATE: July 26, 1996

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STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals the emergency DMR Regulation 95.09 A3, Closed Area No. 54-K, Alley Bay and Pig Island Gut, Beals, promulgated on January 11, 1995 and enacts a new regulation. This new rule prevents the taking of clams, quahogs, oysters and mussels from the flats and waters of eastern Alley Bay and Pig Island Gut, Beals.

Department personnel have sampled and surveyed these waters and found this closed area is subject to intermittent microbiological pollution. As a consequence the harvest of clams, mussels, oysters and quahogs must be prohibited to protect the public health.

The size of this closed area is now reduced in size due to the determination that no known public health risk impacts the shellfish in the so called Boat Cove portion of southern Alley Bay.


E. PENN ESTABROOK
Deputy Commissioner

